

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04311 (SMB)

Plaintiff,

v.

ANDREW H. COHEN,

Defendant.

**ORDER DENYING MOTION TO INTERVENE
OR TO PARTICIPATE AS AMICUS CURIAE**

On October 9, 2015, defendants listed on Appendix A attached hereto (collectively, “Proposed Intervenors”) moved to intervene as a matter of right or by permission pursuant to Federal Rule of Civil Procedure 24, as incorporated by Federal Rule of Bankruptcy Procedure 7024, or alternatively, to participate as *amicus curiae* (the “Motion to Intervene”) in this adversary proceeding commenced by Plaintiff Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC

(“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”) and the substantively consolidated chapter 7 estate of Bernard L. Madoff.

On October 29, 2015, the Trustee filed a memorandum of law in opposition to the Motion to Intervene (ECF No. 65) (the “Opposition Brief”). On November 11, 2015, the Proposed Intervenors filed a reply brief in further support of their Motion to Intervene (ECF No. 69) (the “Reply Brief”).

On September 30, 2015, a hearing on the Motion to Intervene was held by the Honorable Stuart M. Bernstein (the “Hearing”). Prior to any decision on the Motion to Intervene, the Proposed Intervenors filed a memorandum of law on “value defense issues” on December 9, 2015 (ECF No. 73), which the Trustee addressed in a subsequent letter submitted to the Court on December 10, 2015 (ECF No. 77). The Proposed Intervenors submitted a letter response to the Court on that same day, December 10, 2015 (ECF No. 78).

On April 7, 2015, the Proposed Intervenors submitted a letter with supplemental authorities to the Court (ECF No. 84). On April 11, 2016, the Trustee submitted a letter response providing supplemental authority (ECF No. 85). The Proposed Intervenors filed a letter in response on April 15, 2016 (ECF No. 87).

The Court, having reviewed the Motion to Intervene, the Opposition Brief, the Reply Brief, the supplemental authorities and other submissions, and having heard the arguments of counsel at the Hearing, denied the Motion to Intervene for reasons set forth in its Memorandum Decision Denying Motion To Intervene Or To Participate As Amicus Curiae (the “Decision”), entered April 25, 2016 (ECF No. 89).

Accordingly, it is hereby **ORDERED** that:

1. Pursuant to the Decision, the Proposed Intervenors' Motion to Intervene, or to alternatively participate as *amicus curiae*, is hereby denied.
2. This Court shall retain jurisdiction over all matters relating to the enforcement, implementation, and interpretation of this Order.

Dated: New York, New York

/s/ STUART M. BERNSTEIN

April 28th, 2016

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

APPENDIX A

	Adv. Pro. No.	Defendant(s)	Counsel for Defendant(s)
1.	10-04342	Picard v. Evenstad Revocable Trust u/a/d, May 2, 2000, et al.	Loeb & Loeb LLP
2.	10-04933	Picard v. Kenneth Evenstad Trust, et al.	Loeb & Loeb LLP
3.	10-04512	Picard v. Mark Evenstad Trust, et al.	Loeb & Loeb LLP
4.	10-04952	Picard v. MBE Preferred Ltd Partnership, et al.	Loeb & Loeb LLP
5.	10-04514	Picard v. Serene Warren Trust, et al.	Loeb & Loeb LLP
6.	10-04945	Picard v. SEW Preferred Ltd. Partnership, et al.	Loeb & Loeb LLP
7.	10-04384	Picard v. Lanx BM Investments, LLC, et al.	Baker & McKenzie LLP
8.	10-04387	Picard v. James Lowrey, et al.	Baker & McKenzie LLP
9.	10-04488	Picard v. South Ferry Building Co.	Baker & McKenzie LLP
10.	10-04350	Picard v. South Ferry #2 LP, et al.	Baker & McKenzie LLP
11.	10-04374	Picard v. ZWD Investments, LLC, et al.	Baker & McKenzie LLP
12.	10-04925	Picard v. Alvin Gindel Revocable Trust, et al.	Dentons LLP
13.	10-05058	Picard v. America-Israel Cultural Foundation	Dentons LLP
14.	10-04401	Picard v. BAM, L.P., et al.	Dentons LLP
15.	10-04415	Picard v. Barbara Berson	Dentons LLP
16.	10-05028	Picard v. Estate of Jack Shurman, et al.	Dentons LLP
17.	10-05085	Picard v. Eugene J. Ribakoff 2006 Trust, et al.	Dentons LLP
18.	10-04882	Picard v. Laura E. Guggenheim Cole	Dentons LLP
19.	10-04672	Picard v. Sidney Cole	Dentons LLP
20.	10-05424	Picard v. The Frederia Ripley French Rev. Trust, et al.t	Dentons LLP
21.	10-04357	Picard v. James Greiff	Dentons LLP

22.	10-04861	Picard v. Harold J. Hein	Dentons LLP
23.	10-05236	Picard v. Toby T. Hobish, et al.	Dentons LLP
24.	10-04777	Picard v. Ida Fishman Revocable Trust, et al.	Dentons LLP
25.	10-04615	Picard v. Joel I. Gordon Revocable Trust	Dentons LLP
26.	10-05209	Picard v. Lapin Children LLC	Dentons LLP
27.	10-05224	Picard v. David R. Markin, et al.	Dentons LLP
28.	10-04921	Picard v. Stanley Miller	Dentons LLP
29.	10-04510	Picard v. The Murray Family Trust, et al.	Dentons LLP
30.	10-05424	Picard v. Neil Reger Profit Sharing Keogh, et al	Dentons LLP
31.	10-04401	Picard v. Rose Gindel Trust, et al.	Dentons LLP
32.	10-04702	Picard v. S&L Partnership, et al	Dentons LLP
33.	10-04332	Picard v. Barry Weisfeld	Dentons LLP
34.	10-04966	Picard v. Gary Albert	Milberg LLP
35.	10-04335	Picard v. Aspen Fine Arts Co.	Milberg LLP
36.	10-04582	Picard v. Gerald Blumenthal	Milberg LLP
37.	10-04576	Picard v. Norton A. Eisenberg	Milberg LLP
38.	10-05398	Picard v. Elbert R. Brown Trust, et al.	Milberg LLP
39.	10-04978	Picard v. The Estate of Ira S. Rosenberg, et al.	Milberg LLP
40.	10-04724	Picard v. P. Charles Gabriele	Milberg LLP
41.	10-04946	Picard v. Stephen R. Goldenberg	Milberg LLP
42.	10-04725	Picard v. Ruth E. Goldstein	Milberg LLP
43.	10-04712	Picard v. The Joseph S. Popkin Revocable Trust, et al.	Milberg LLP
44.	10-05069	Picard v. Potamkin Family Foundation I, Inc.	Milberg LLP

45.	10-04723	Picard v. Mitchell Ross	Milberg LLP
46.	10-05136	Picard v. Richard Roth	Milberg LLP
47.	10-04540	Picard v. Jonathan Sabin	Milberg LLP
48.	10-04951	Picard v. Harold A. Thau	Milberg LLP
49.	10-04741	Picard v. The William M. Woessner Family Trust, et al.	Milberg LLP
50.	10-04343	Picard v. Patrice M. Auld, et al.	Pryor Cashman LLP
51.	10-05168	Picard v. Bernard Marden Profit Sharing Plan, et al.	Pryor Cashman LLP
52.	10-05439	Picard v. Avram J. Goldberg, et al.	Pryor Cashman LLP
53.	10-05118	Picard v. Charlotte Marden Irrevocable Trust, et al.	Pryor Cashman LLP
54.	10-04341	Picard v. James P. Marden, et al.	Pryor Cashman LLP
55.	10-04348	Picard v. Marden Family Limited Partnership, et al.	Pryor Cashman LLP
56.	10-05194	Picard v. Murray Pergament Trust, et al.	Pryor Cashman LLP
57.	10-04375	Picard v. Stanley Plesent	Pryor Cashman LLP